

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TEXAS

DIVISION

Office of the Clerk
Southern District of Texas
FILED

JUN 10 2020

David J. Bradley, Clerk of Court

David T. Moore 1165885
Plaintiff's Name and ID Number

Estelle High Security
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Bryan Collier P.O. Box 99 Huntsville, tx 77340
Defendant's Name and Address

Robert Herrera 2400 Wallace Park Rd Navasota, tx
Defendant's Name and Address

Lynne Sharp P.O. Box 99 Huntsville, tx 77340
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: Dec 2018
2. Parties to previous lawsuit:
Plaintiff(s) David Moore
Defendant(s) Corie Davis
3. Court: (If federal, name the district; if state, name the county.) Southern Federal Court
4. Cause number: 4418-CV-00529
5. Name of judge to whom case was assigned: Ewing Werlein JR
6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed w/o Prejudice
7. Approximate date of disposition: unsure Court Paperwork

- II. PLACE OF PRESENT CONFINEMENT: Estelle High Security
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:
- Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO
- Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: DAVID terry Moore #1165885
Estelle High Security 264 FM 3478 Huntsville, TX 77320

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bryan Collier Exec. Director T.O.C.J.
P.O. Box 99 Huntsville, TX 77340

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He did not oversee the P.R.E.A. Cases on the Pack unit

Defendant #2: Robert Herrera Headwarden TDCJ Pack unit
2400 Wallace Pack Rd Navasota, TX 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Denied me DNA in Sexual Assault in 2014 & Denied Protection

Defendant #3: ANNA Sanchez Safe Prison T.O.C.J. Luther unit
1800 Luther Dr. Navasota, TX 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Did not follow P.R.E.A Guidelines, and do a DNA test.

Defendant #4: Lynne Sharp Safe Prison/P.R.E.A Compliance Manager. T.O.C.J.
P.O. Box 99 Huntsville, TX 77340

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Did not oversee Proper tests of DNA or Sexual Assaults

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V.

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I was Sexually Assaulted 2 times while in TDCJ once in Dec 2003, DNA was done and Assailant was no Bailed Isiah Jones #515015. And Then in 2014 Nov. at Wallace Pack unit I was Attacked by Charles Moore and a Rodriguez and Assaulted, no DNA + The Pack unit Failed to Follow Policy Anna Sanchez + Robert Herrera Failed to do The right thing The P.R.E.A office even denied me Help, OIG Denied me Help. Texas Dept of Justice Denied me Help. I want Justice and Compensations in These Cases Refer to Previous file Case for Complete memorandum 4:18-CV-00529

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Justice in These Assaults and Compensations, and a Jury to Hear my Cases

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

David Terry Gaus David Terry Moore

B. List all TDCI-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

430842, 483099, 1016541, 1165865

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case number:

3. Approximate date sanctions were imposed:

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: _____
DATE

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this _____ day of _____, 20____.
(Day) (month) (year)



1165885

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

TO The Honorable Federal Court of The
Southern District of Texas

United States District Court
Southern District of Texas
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David J. Bradley, Clerk of Court

I would like to Reopen a Case and with Good Reason's, I was Physically unable to Pursue The Case myself. Below is what I Have been thru Since my Last Sexual Assault NOV 2014.

NOV 2014 to June 2015 massive sexual harassment (major stress)

June 2015 fathers day weekend Heart Attack St Josephs Bryan, tx

4-25-17 minor Stroke (severly unable to write) John Seely Hospital

I trusted Someone Else to file a 2254 which was Changed to a 1983 Civil Suit, He Out but Helped me Dismiss The Case.

I Have Had Severe Nerve Problems from the C4-C5 Discs in my Neck that slid Forward against my SPINAL Cord, which Also Help Disable my writing skills.

11-27-19 Major Neck Surgery C-3 thru C6 ACDF total neck Fusion. Hospital Galveston

2-5-20 Lower Back Surgery L5-S1 nerve channel Clearing and Bone Scraping. Hospital Galveston

2-26-20 Bus wreck (T.O.C. Bus #154198) outside of Galveston on I-45 This right now is Causing me Severe Pain in Neck, Back, and Between Shoulders.

Still waiting to go back to Hospital Galveston.

Please See Previous Case For memorandum & Grievance H-18-529

To the Honorable Federal Court for the
Southern District of Texas.

Due to Reasons beyond my Control, and Lack of
Knowledge. I was unable to Handle The Case

I would Very much Appreciate Some form
of Legal Representation, IF The Court or
Judge would Have mercy on me. I need
to bring This to The People of Texas, and
Show what T.D.C.J. is Allowing to
Happen to People. And Then trying to Cover
it up. And not following P.R.E.A. Policies.

Lord God I Pray for Help if The
Courts would Have Mercy

Thank you + God Bless
Dann Moore
#1165885

VOICE OVER:

The Texas Department of Criminal Justice has a zero-tolerance policy regarding sexual abuse and sexual harassment of offenders in our custody, and this includes consensual sexual contact. Sexual abuse and sexual harassment of any type on a TDCJ facility is strictly prohibited and will not be tolerated. To help reduce the occurrence of sexual abuse and aid investigations of sexual abuse claims, TDCJ created the Safe Prisons Program.

LYNNE SHARP:

Hi, I'm Lynne Sharp, Safe Prisons/PREA Compliance Manager for the Texas Department of Criminal Justice. In 2003, the federal government passed the Prison Rape Elimination Act, also known as PREA, with a goal of establishing guidelines and rules to reduce, and ultimately eliminate, rape and other sexual crimes in all United States correctional facilities. TDCJ's Safe Prisons PREA Program and the PREA guidelines cover many of the same issues, so Safe Prisons oversees many of the PREA standards as they relate to TDCJ. As an offender, you should be aware how the Safe Prisons Program and PREA help protect you from sexual abuse: First, even though you are in the custody of the state of Texas, you still have certain rights. By law, you have the right to be free from retaliation for reporting sexual abuse or sexual harassment. That means if you file a report, it is illegal for the accused, or anyone else, to hurt you, or to threaten you, based on your report. And secondly, the Texas Department of Criminal Justice has an obligation to investigate any claim of sexual abuse or harassment and to ensure your environment is safe. Here are some definitions that are important for you to understand. Sexual Harassment is repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one offender directed toward another. Sexual Abuse of an offender by another offender includes any of the following acts, if the victim does

not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse: Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; Contact between the mouth and the penis, vulva or anus; Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation. TDCJ utilizes trained peer educators to educate offenders regarding sexual abuse awareness and sexual assault. Here is one of those peer educators to discuss sexual predators and their victims.

OFFENDER PEER EDUCATOR:

Sexual predators are often attracted by certain physical characteristics and behaviors in their potential victim. They typically look for victims who appear young, with delicate or feminine features and a soft, pale complexion. They target people who have a small stature and appear vulnerable to physical attack. Their potential victims tend to be quiet and withdrawn . . . nervous or cautious . . . or a first-time offender who is new to the system. It's important to remember that there are no rules governing predatory behavior. Anyone can be a victim, no matter what you look like, how you act or how old you are. Typical characteristics of a sexual predator could include those who are physically strong, with a large build; offenders involved in prison gang activity; seasoned offenders who have been in prison for a long period of time; and offenders who have had multiple convictions or have been in prison more than once. Like their victims, not all sexual predators will share these traits. An attack can come from anyone, no matter their appearance. There are many different ways predators may try to take advantage of you. A successful predator will get to know you and determine your strengths, weaknesses and needs. For example, if you're

new to the prison system and need commissary items, such as deodorant or toothpaste, but don't have the money in your account, a predator may offer to buy these for you as gesture of friendship. This friendship may be short-lived and the predator will expect to be repaid, and may demand sex. Other predators offer protection or friendship and guidance, and then subtly introduce the topic of sex. Sometimes, in-prison sex abuse is not subtle, but instantaneous and violent. And sometimes, the predator may not be another offender.

LYNNE SHARP:

The sexual predator may be a volunteer, contract employee, vendor, a member of security or administrative staff, or anyone else who is not under the supervision, custody or incarceration of TDCJ. By policy and law, these people are not allowed to sexually harass or abuse you. The Texas Department of Criminal Justice maintains a zero-tolerance policy regarding staff sexual misconduct with offenders. Staff sexual misconduct can be categorized as: Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; Contact between the mouth and the penis, vulva or anus; Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire; Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire; Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire; Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities just described; Any display by a staff member contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of

an offender and Voyeurism by a staff member, contractor or volunteer. Voyeurism is an invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals or breasts; or taking images of all or part of an offenders naked body or of an offender performing bodily functions. Sexual harassment by a staff member, contractor or volunteer includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

OFFENDER PEER EDUCATOR:

We've talked about the outward appearance of victims and predators, and ways that predators might approach you. Now, let's talk about what you can do to avoid being attacked or manipulated. First, don't feel like you have to be polite and accept offerings from anyone. You have the right to say "no" or "stop it now," and we encourage you to do just that. Many predators choose victims who look like they won't fight back or who appear emotionally weak, so walk and stand with confidence. These predators also know that prison can be an intimidating place, so they may offer you protection from other violent offenders or gangs. Sometimes this threat of violence can be real, but sometimes, it is created by predators just so they can manipulate you. The protection they offer comes with a price, and the predator will be looking for payment eventually. Avoid talking about sex and nudity. These things may be considered a come-on and make another offender think you're interested in a relationship. Don't accept commissary items or gifts. This puts you in their debt, and you will be expected to repay. Don't use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments. Avoid secluded areas such as behind furniture or in corners. Try to stay in well lit, public areas of the facility. Position yourself so you can be easily seen by unit staff.



OFFENDER MEDICAL PASS

Name: **MOORE, DAVID T** TDCJ#: **1165885**

AGE: **52** RACE: **WHITE** SEX: **MALE**

PRINT DATE: 05/25/2020

This document supersedes all previous.

MEDICAL PASSES

Pass Description: **Pillow (ADS/Post-OP)**

Ordering Provider: **ADESOBA, SAMUEL A**

Issue Date: 04/27/2020

Expiration Date: **07/26/2020**

Extra blanket and/or pillow in addition to standard allowance.

To Sit on Hemorrhoids

Pass Description: **No Cuff to Arm (Specify)**

Ordering Provider: **NWOKORI, STELLA N**

Issue Date: 08/20/2019

Location: **Both**

Expiration Date: **08/19/2020**

Pass Description: **Medical Mattress (ADS/Inpatient)**

Ordering Provider: **ADESOBA, SAMUEL A**

Issue Date: 04/27/2020

Expiration Date: **10/24/2020**

May be hospital mattress, eggcrate or topper ordered by physician.

Neck and Back

Pass Description: **Medical Shirt w/Zipper**

Ordering Provider: **ADESOBA, SAMUEL A**

Issue Date: 04/27/2020

Expiration Date: **10/24/2020**

(R) Bad Shoulder + Neck

Pass Description: **Abdominal Binder**

Ordering Provider: **ADESOBA, SAMUEL A**

Issue Date: 04/27/2020

Expiration Date: **10/24/2020**

Hernia Stomach

Pass Description: **Cervical/Contour Pillow**

Ordering Provider: **ADESOBA, SAMUEL A**

Issue Date: 04/27/2020

Expiration Date: **10/24/2020**

for Neck

Pass Description: **Cervical Collar**

Ordering Provider: **ADESOBA, SAMUEL A**

Issue Date: 04/27/2020

Expiration Date: **10/24/2020**

May be soft or rigid.

for Neck Support



OFFENDER MEDICAL PASS

Name: MOORE, DAVID T TDCJ#: 1165885

AGE: 52 RACE: WHITE SEX: MALE

PRINT DATE: 05/25/2020

Pass Description: **Compression Stockings**

Ordering Provider: ADESOBA, SAMUEL A

Issue Date: 05/04/2020

Expiration Date: **10/31/2020**

Any brand of compression stocking/sock/hose i.e. TED/JOBST.

Swelling Lower Legs

Pass Description: **Medical Shirt**

Ordering Provider: ADESOBA, SAMUEL A

Issue Date: 05/04/2020

Expiration Date: **10/31/2020**

Pass Description: **Back Brace/Lumbar Suppt**

Ordering Provider: ADESOBA, SAMUEL A

Issue Date: 04/27/2020

Expiration Date: **04/27/2021**

Includes brace, belt, strap for back.

for Lower Back

Pass Description: **Walker/Rollator**

Ordering Provider: ADESOBA, SAMUEL A

Issue Date: 05/04/2020

Expiration Date: **05/04/2021**

Includes walkers, rolling walkers with wheels, knee walkers, etc. Pass includes permission to use attachable mesh bag.

To walk

Pass Description: **Medical Footwear**

Ordering Provider: RAVICHANDRAN, GIRIRAJ

Issue Date: 09/19/2019

Expiration Date: **Continuous**

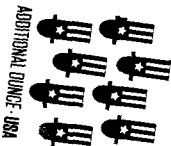
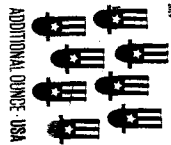
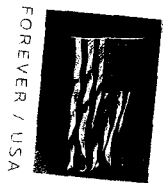
Medical footwear including medical boots, ortho shoe, velcro shoe, soft sole shoes, darco wedge shoes.

for Bad Feet

NAME *David J. Bradley*
TDC# *165885*
ESTELLE UNIT *HS*
264 FM 3478
HUNTSVILLE, TX 77320

Legal mail

United States Federal Court
Southern District of Texas
P.O. Box 61010
Houston, tx 77002



JUN 10 2020

David J. Bradley, Clerk of Court